

REMARKS

This is intended as a full and complete response to the Office Action dated October 28, 2003, having a shortened statutory period for response set to expire on January 28, 2004. Claims 1-10 and 16-25 have been withdrawn from consideration. Claims 14-15 and 26-47 have been allowed. Claim 46 has been rewritten in independent form to put the claim in condition for allowance. Claims 11 and 13 have been amended to more clearly recite aspects of the invention. New claim 48 has been added to more clearly recite aspects of the invention. Applicants believe no new matter has been introduced by the amendments and the new claims presented herein. The amendments have been made in a good faith effort to advance prosecution on the merits. Claim 12 has been cancelled without prejudice. Applicants reserve the right to subsequently take up prosecution of the claims as originally filed in this application in a continuation, a continuation-in-part and/or a divisional application. Please reconsider the claims pending in the application for reasons discussed below.

Claims 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,069,035 ("*O'Donnell*"). Applicants respectfully submit that *O'Donnell* does not teach or disclose positioning a work piece in the plasma reactor, in which the work piece includes at least one magnetic material layer selected from NiFe, CoFe, NiFeCo, and Ru and an electron barrier material layer having aluminum oxide. Rather, *O'Donnell* proposes a layer stack 100 that includes an underlying layer 102, a transition metal-containing layer 104 deposited above the underlying layer 102, and a photoresist layer 106 deposited above the transition metal-containing layer 104. *O'Donnell* mentions nothing about an electron barrier layer being deposited anywhere on the layer stack 100, let alone an electron barrier layer having aluminum oxide. As such, *O'Donnell* neither teaches nor discloses positioning a work piece in the plasma reactor, in which the work piece includes at least one magnetic material layer selected from NiFe, CoFe, NiFeCo, and Ru and an electron barrier material layer having aluminum oxide. Accordingly, claim 11 is patentable over *O'Donnell*. Claim 13 is also patentable over *O'Donnell* since it depends from claim 11.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,069,035 ("*O'Donnell*") in view of the Examiner's own remark.

Applicants respectfully traverse this rejection. Claim 12 has been cancelled without prejudice, thereby rendering the rejection moot. As mentioned above, *O'Donnell* does not teach or disclose positioning a work piece in the plasma reactor, in which the work piece includes at least one magnetic material layer selected from NiFe, CoFe, NiFeCo, and Ru and an electron barrier material layer having aluminum oxide, as recited in claim 11. Furthermore, there is no suggestion discerned in *O'Donnell* of modifying the devices or methods disclosed therein in the direction of the present invention, nor does there appear to be any suggestion or motivation of the desirability of such modifications. Since claim 13 depends from claim 11 and since *O'Donnell* does not teach all the limitations of claim 11, claim 13 is therefore also patentable over *O'Donnell*.

With regard to new claim 48, Applicants submit that the new claim recites subject matter that is neither disclosed, taught, nor otherwise suggested by the cited references, and as such, allowance of these claims is respectfully requested.

Claim 46 has been allowed. However, claim 46 depends from claim 11, which stands rejected. Accordingly, claim 46 has been rewritten in independent form to put the claim in condition for allowance.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the claimed method or apparatus. Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

The prior art made of record is noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, it is believed that a detailed discussion of the secondary references is not deemed necessary for a full and complete response to this office action. Accordingly, allowance of the claims is respectfully requested.

Respectfully submitted,



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